

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREGORY WILLIAMS,  
Plaintiff,  
v.  
WELLS FARGO BANK,  
Defendant.

Case No. [18-cv-02831-MEJ](#)

**ORDER FOR REASSIGNMENT;  
REPORT AND RECOMMENDATION**

Re: Dkt. No. 3

**INTRODUCTION**

On May 14, 2018, Plaintiff Gregory Williams brought the above-captioned case along with an Application to Proceed In Forma Pauperis. Appl., Dkt. No. 3. Not all parties have consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c). *See Williams v. King*, 875 F.3d 500 (9th Cir. 2017); *Tripathi v. Rison*, 847 F.2d 548 (9th Cir. 1988) (absent consent of all parties to a magistrate judge's jurisdiction, the magistrate judge is not authorized to deny a motion to proceed in forma pauperis). Accordingly, the Court ORDERS the Clerk of Court to reassign this case to a District Judge with the recommendation that Plaintiff's IPF Application be denied and that Plaintiff be ordered to pay the \$400 filing fee in full.

**LEGAL STANDARD**

Pursuant to 28 U.S.C. § 1915, a district court may authorize the commencement of a civil action in forma pauperis if it is satisfied that the would-be plaintiff cannot pay the filing fees necessary to pursue the action. 28 U.S.C. § 1915(a)(1). The policy for allowing a plaintiff to proceed in forma pauperis is to protect a litigant from abandoning "what may be a meritorious claim in order to spare himself complete destitution." *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 340 (1948).

When ruling on an in forma pauperis application, three general principles apply. First, proceeding in forma pauperis in a civil case is a privilege or favor granted by the government. *Rowland v. Cal. Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 198 (1993). Second, the statute reads that the court “may authorize the commencement” of an action. 28 U.S.C. § 1915(a)(1). Thus, the grant, denial, or other decision concerning an in forma pauperis application requires the court to exercise discretion. *Denton v. Hernandez*, 504 U.S. 25, 31 (1992). Third, the ability to pay does not require that plaintiffs contribute their “last dollar” or “make themselves and their dependents wholly destitute.” *Adkins*, 335 U.S. at 339.

For a court to authorize the commencement of an action without the prepayment of the filing fee, a person must submit an affidavit that includes a statement of all the assets the person possesses. 28 U.S.C. § 1915(a)(1). “An affidavit in support of an IFP application is sufficient where it alleges that the affiant cannot pay the court costs and still afford the necessities of life.” *Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) (citing *Adkins*, 335 U.S. at 339).

### DISCUSSION

Plaintiff declares he has received income from a number of sources, but he does not state the amount received from each source. Appl. ¶ 2 (only identifying source of money as “world global economics”). Plaintiff also declares he has bank accounts with present balances of “multi trillions” and owns “multi trillions” in cash. *Id.* ¶ 7. He identifies “global economics investor” as an asset but does not indicate the value thereof. *Id.* Under charge accounts, he lists his name, “Gregory Williams,” and states his monthly payment is “trillions” with the total owed as “trillions.” *Id.* ¶ 8.

The Court initially noted the information provided in the Application was “insufficient to allow the Court to determine whether Plaintiff is able to pay the \$400 filing fee without becoming destitute.” Order re: IFP Appl. at 1, Dkt. No. 4. The Court ordered Plaintiff to “submit an updated application that states with specificity his income and assets.” *Id.* at 1-2. The deadline to file an updated IPF application was May 30, 2018. *Id.* at 1. As of the date of this Report and Recommendation, Plaintiff has not submitted an updated IFP application. *See* Docket. As such, the information in the record does not allow the Court to determine whether Plaintiff qualifies for

1 IFP status. For this reason, the Court RECOMMENDS Plaintiff's IFP Application be denied and  
2 that Plaintiff be ordered to pay the \$400 filing fee in full.

3 Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(2), a party  
4 may serve and file any objections within 14 days after being served.

5 **IT IS SO RECOMMENDED.**

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7 Dated: June 4, 2018

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10 MARIA-ELENA JAMES  
11 United States Magistrate Judge  
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